

1971

Newspaper Clippings About The National News Council and Minnesota Press Council, 1971 to 1977

Roger J. Traynor

Follow this and additional works at: <http://repository.uchastings.edu/nnc>

Recommended Citation

Roger J. Traynor, *Newspaper Clippings About The National News Council and Minnesota Press Council, 1971 to 1977* (1971).
Available at: <http://repository.uchastings.edu/nnc/20>

This News Article is brought to you for free and open access by the Judicial Ethics and the National News Council at UC Hastings Scholarship Repository. It has been accepted for inclusion in Formation of the National News Council by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

THE MILWAUKEE JOURNAL

IS

95th Year; Founded 1882

Thursday, June 23, 1977

© 1977, The Milwaukee Journal

Panel Upholds Doctor Series

A complaint filed against The Milwaukee Journal by the State Medical Society for a Journal series last March on Medicaid has been rejected in a unanimous decision of the National News Council.

The council's report, released Wednesday, stated that the "council finds all portions of the complaint unwarranted."

The news council is an independent organization that handles complaints of unfairness or inaccuracy in the news media.

The society's complaint involved a series of stories detailing visits to six local doctors by a Journal reporter who posed as a Medicaid patient. Five of the six doctors treated the reporter for a sore throat he did not have.

Four other reporters returned to one of the doctors and they were also treated for nonexistent sore throats. Three of them were given amphetamine related drugs.

The society's complaint contended that since The Journal did not release the names of the doctors during the series, this impeded an investigation of the charges by the society.

"The Journal articles seriously impugn the reputation and moral character of some physicians, the medical pro-

fession in general and very specifically the State Medical Society," Earl R. Thayer, secretary of the society, wrote in the complaint to the council.

"Record Is Clear

William B. Arthur, executive director of the council, which is headquartered in New York, said the council found this complaint unwarranted.

Reading from the council's report, Arthur said, "The council finds the record here quite clear concerning the charges by the State Medical Society of Wisconsin that the Milwaukee Journal engaged in 'unethical conduct.'"

"The Journal," the report continued, "announced publicly that it would not name the doctors but that its reporters would testify in any proceedings that might occur as a result of the stories."

The report noted that the five reporters testified in May before the State Medical Examining Board and all six physicians visited were identified.

The board has started an action to suspend the license of one of the doctors, Dr. Chris C. Christopher, who has a clinic at 915 N. 35th St. That action is pending.

Thayer complained that The Journal placed a letter

from one of the doctors, the so-called Dr. 3, on the editorial page stating that it "was buried on Page 2 of the second section."

Accepted Practice

The council responded: "The Journal followed accepted journalistic practices in placing a letter to the editor from one of the doctors on its Letters to the Editor Page. It respected the doctor's request for anonymity."

Thayer complained that some of the stories relating to the series were unfairly continued to pages inside the paper.

"And it is common practice," the council stated, "to place related news stories on the so-called jump pages of a page one story. On five of the six days that the articles were published, related articles were placed on the 'jump page.'"

The council received a letter explaining The Journal's position on Thayer's complaint from Richard H. Leonard, editor of The Journal.

The council also talked by telephone to Dr. Albert Freedman, chairman of the examining board, and to Ward Johnson, a Wisconsin assistant attorney general. Arthur said the report noted that Freedman said the board was reviewing the testimony given by the reporters and doctors who testified before it.

The council's report said it was necessary to examine a newspaper's methods in such an examination and those methods were provided by Leonard.

News Council Rejects Complaint

The council reviewed The Journal's methods in this case, noting that all the reporters were given medical examinations in preparation for the series and none of them had sore throats. The council noted that The Journal said it would pay all costs incurred during the investigation.

The council said it "does not question the validity of Mr. Thayer's statement that 'sore throat is a condition of which the patient is often the only true judge.'"

"However," the report continued, "the articles themselves make no judgment regarding the doctors' diagnosis. They simply report on what happened in the course of the visits by the reporters. As Mr. Leonard says, 'The news reports did not deal in accusations. They describe objectively the treatment given by the doctors.' The council interprets this as meaning: 'We reported. Let others be the judge. Let the chips, if any, fall.'"

Thayer had complained that there was "use of apparently fraudulent Medicaid cards by The Journal reporters, and their deliberate lies to the physicians about symptoms is a case of base conduct while professing high moral purpose. Such conduct is inherently unethical."

The reporter who visited all six doctors used a Medicaid card. The other four reporters who visited just one doctor did not. They paid cash.

Most Delicate Issue

The council said the use of the Medicaid card "is the most delicate of the issues raised by the entire complaint." Regarding this, the council stated:

"The council cannot accept any definition of investigative reporting that could be construed as an open ended approval of ends justifying the means. Simultaneously, the council recognizes that journalists are frequently confronted with situations in which forms of subterfuge may be appropriate. Such Solomonic decisions are mitigated when the news organizations make open, public acknowledgments of the methods they have chosen to employ."

"The Milwaukee Journal recognized that the possession of a Medicaid card by the reporter was such a subterfuge. The newspaper explained publicly that it would pay whatever costs were involved. We note that there was no act here that would call for criminal prosecution."

The council quoted Johnson, the assistant attorney general, as saying:

"No district attorney would prosecute the reporter. In Wisconsin, no statute is involved in impersonating a Medicaid card holder. To prosecute for fraud, you must prove criminal intent, deceiving with intent to reap personal gain. Who could prove criminal intent in this instance?"

Press Council Set Up in Minnesota

By Austin Wehorwein
Special to The Washington Post

ST. PAUL, Sept. 9—A statewide Minnesota Press Council has been set up so that citizens may challenge newspaper performance and ethnics.

Patterned on the British Press Council, the Minnesota group—first of its kind in the United States—provides review privileges to aggrieved newspaper readers in the state.

The 18-member council is an extralegal body with no enforcement powers.

The 18-member council is an extra legal body with no enforcement powers.

Minnesota Supreme Court Justice C. Donald Peterson, council chairman, told a news conference that steps were taken to organize the council earlier this year because of public debate about "a crisis of confidence" in newspapers. He added:

"The council intends to restore that lost confidence by bringing together the newspapers and their critics—and helping to work out satisfactory solutions."

The Council is comprised of nine public and nine newspaper representatives, including one Minneapolis Tribune reporter.

Inspired by the Minnesota Newspaper Association, the council will hear, consider and adjust grievances against newspapers, including those instigated by politicians seeking office. Since observers fear this will produce a rash of complaints in election years.

However, the rules stress that efforts at direct negotiations must be exhausted before the council will start investigation and review. It is a voluntary body without statutory basis, and if it finds a

newspaper violated "good journalistic practices" the only sanction it can impose is adverse publicity.

On the other hand, the press council's deliberations as such need not be public, one rule states.

Grievances can be brought only against a newspaper not against individual employees. Also the council will reject any grievance related to a legal action and, in fact, a complainant must waive any possible legal actions, including libel and slander claims,

linked to the particular grievance.

Throughout the rules the stress is on informality and even if the council finds a newspaper blameless it will try to resolve the misunderstanding. The provision for a hearing, with cross-examination and the right to counsel, is a last resort.

The broadcast media are not parties to the council, on the ground that the Federal Communications Commission provides necessary grievance machinery.

Press Council in Minnesota hailed for two-way education

By Gerald B. Healey

Fostering better understanding between the public and the press and a clearer comprehension of the press, the Minnesota Press Council has been formed.

Although machinery for hearing complaints will not be worked out for several weeks, the Press Council is very much a reality, prepared to wield wide influence in guaranteeing that the rights of the public and the press are given full and complete consideration.

Chairman of the Press Council is C. Donald Peterson, an associate judge of the Minnesota Supreme Court, who said: "The Council has a two-fold purpose, both of which are opposite sides of the same coin. The press carries great power for public good in a free society. The Minnesota Press Council wants to be sure that it remains that way.

Complaint procedures

"To insure that this will be a reality, complaint procedures will be devised through which the public, or those who have grievances about treatment in the press, can be heard.

"The grievance machinery will allow hearing persons, who have exhausted their prerogatives at the local level, to come before the Press Council and detail their charges of inaccuracies and unfairness in the reporting of public affairs in separate stories or series of stories—even in headlines.

"The Council also will come to the defense of the press, which is the other side of the coin, should the facts warrant such action."

The Council will seek no authority over its members, who will serve without pay on a non-profit, non-corporation basis, the chief purposes being to discuss common problems on a basis of external fairness. No press-bench-bar matters nor any litigation will be discussed, since this will still be the duty of the four-year-old Minnesota Free Trial-Fair Press Council which will be continued.

Independence sought

Philip S. Duff Jr., publisher of the *Red Wing Republican-Legion*, a daily, who is president of the Minnesota Newspaper

Association, which consists of nine public members and nine members representing the press, to "operate as an independent entity." He sees the Council as an educational device working two ways: The newspapers can gain an education on how outsiders view things and the critics of newspapers can be educated on how the newspapers operate.

He saw little to be accomplished in the Council's coming up with particular "findings," rather he expects the Council to provide a responsible sounding board for complaints of both the public and the press. The nine press representatives are determined, he said, to defend the right of every publisher to "run his own newspaper."

Robert M. Shaw, manager of the Minnesota Newspaper Association, the group within which the Press Council concept was spawned, said that newspapers and broadcasting stations had learned how to work within the general area of how the media handled pre-trial matters and complaints on the manner in which judges handled various cases through the Fair Trial-Free Press Council and this would be valuable in guiding the destiny of the Minnesota Press Council, although in a vein divorced from the courts of legal matters.

Important role

Shaw believes the Press Council will play an important role not only in solving the problems of the public and press but should go far towards narrowing the credibility gap between newspapers and their readers.

"There is no chance," Shaw said, "that the Press Council will be allowed to become a vehicle whereby the newspaper industry will be put up to view as a whipping boy." Shaw said. It will be a Press Council in the strict sense of the words and the possibility of the Council taking off on its own will be rigidly guarded against."

The nine public and press representatives all were invited to serve on the Council, Shaw said. Among the public representatives, besides Justice Peterson, are Warren Spannaus,

Malcolm Moos, president of the University of Minnesota; Dr. J. Edward Gerald, professor of the Minnesota school of journalism and mass communication; a black professor of the Minnesota law school, and other "solid citizens."

The nine press representatives are: Bower Hawthorne, editor of the *Minneapolis Tribune*; Kenneth Heckman, editor of the *Grand Rapids Herald-Review*, a weekly; Jerry Ringhofer, executive editor of the *Owatonna People's Press*, a daily; Lowell Mills, co-publisher, *Hutchinson Leader*, weekly; Cecil Newman, publisher, *Minneapolis Spokesman*, Negro weekly; Bernie Shellum, capital correspondent, *Minneapolis Tribune*; Gordon Spielman, publisher, *Trimont Herald*, weekly; Duff and Shaw.

More Opinions

Principles of reporting

By AUSTIN C. WEHRWEIN

Of the Editorial Opinion Page Staff

Lies . . . dumb mistakes . . . partial truths at best.

That is about all you get in a newspaper, the cranky critics declare.

I don't think many people really buy that blanket condemnation.

I do know many who can cite from personal experience, observation or hunch various examples of such journalistic sins, though I must add that outright lies are low on their lists.

In other words, complaints about the press that stand up tend to be selective. They're more like rifle shots than shotgun blasts. I have the impression that this is less so of the broadcast media, but the difference is in degree, not in kind.

Sharpshooters usually have some expertise. Often a lot. They may not be zealots but they're often advocates. So the cumulative effect of selective attacks, even those that are unfair, illogical or biased, may bother the media more than noisy but generalized blasts. It's the difference between thunder and lightning.

The case-by-case method of the Minnesota Press Council and the National News Council point this up. Their decisions force journalists to examine specific practices, while giving critics and the media consumers at large a better understanding of how the media function.

Some recent cases decided by the National News Council raise basic issues like these:

Should a newspaper or news service like United Press International or the Associated Press "verify" a report from a university research hospital, and seek the opinion of outside medical authorities when reporting on an article in a state medical association journal?

Judging Journalism

This goes beyond the need to report the original source accurately. The National News Council said the "delicate nature" of "medical breakthrough" stories, which can arouse premature hopes for cures, makes careful "weighing" essential.

The council said it was "proper care" to write a story about a theory if the story makes clear that's what it is and if the scientific journal that published it first finds the theory plausible.

The principle: Verify medical breakthrough stories. On others, be sure to pick up all the relevant hedges and caveats.

Another case involved ABC's Howard K. Smith, who based a TV commentary on a translation of a speech by Gen. Vo Nguyen Giap on the North Vietnam land reform program. The council found that Smith might well have been taken in by former Secretary of State Rusk, who gave him the translation, but the late Bernard Fall, a critic of the war, had accepted the wording "as a true translation."

The principle: Go with "a recognized expert," in this case Fall, not Rusk. It is also a "matter of editorial judgment" whether to "correct or retract" if a critic questions the expert's conclusions later.

CBS, in a program on Cuba, included segments from an interview with Fidel Castro by Frank Man-kiewicz and Kirby Jones. A complaint charged "censorship by omission," citing the elimination of Castro's response to a question about aiding other revolutionaries.

(continued on next page)

He said Cuba would back them — if they "do fight." CBS said another quotation said much the same thing. The council agreed, although I'd say the used quote was watered down.

The principle: You can cite the privilege of "editorial judgment" for substituting one quotation for another, but be prepared to argue that the substitution "covered" the original point.

The National Star, one of those weekly "scandal sheet" tabloids, in successive issues ran headlines saying, "Princess Grace and Rainier Split Up," and, "The Real Story Behind Grace-Rainier Break."

Princess Grace, her brother, John B. Kelly, and the Consul of Monaco in New York all denied the stories but the paper didn't give them access. Its report was attributed to unidentified "friends" of the royal family and European newspapers. The council said confidential news sources are acceptable, but the use of them increases a news organization's responsibility to find out if the sources are trying to "dispense incorrect information with impunity."

The council also found the paper "remiss" in not providing access for attributed statements "in refutation of the unnamed sources."

The principle: If you refuse to identify sources, you'd better be able to cite corroboration of some sort, and if you can't do that at least print refutations.

A complaint against the National Observer that contended an article unfairly attempted to establish a cause-effect relationship between a rise in female crime and the women's rights movement presented a rather more subtle issue.

The council split 6 to 4. The majority found "very weak underpinnings" for the viewpoint. The National Observer practices what it calls "exploratory journalism," which means reporters have considerable leeway "to probe controversial matter."

The majority, while accepting "opinion journalism," said the article offered only one example of a link between the sexual equality movement and female crime, and that was the Weatherpeople radicals.

The dissenters said that the article was, in fact, well documented but that a link between the women's lib movement and an increase in female crime was not the "primary thrust" of the story. At no point, the dissenters said, did the author make the unilateral assertion that the women's liberation movement was "the primary cause of any increase..."

The principle: When dealing with controversial subjects, be careful about generalizations that critics can cite as "stigmatizing." A point that may be secondary to the reporter and thus be offered with little "underpinning" may be paramount to certain readers.